

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1383 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 16-41-6-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as
- 5 provided in IC 16-41-10-2.5 and subsection (b), a person may not
- 6 perform a screening or confirmatory test for the antibody or antigen to
- 7 HIV without the **oral or written** consent of the individual to be tested
- 8 or a representative as authorized under IC 16-36-1. A physician
- 9 ordering the test or the physician's authorized representative shall
- 10 document whether or not the individual has consented. The test for the
- 11 antibody or antigen to HIV may not be performed on a woman under
- 12 section 5 or 6 of this chapter if the woman refuses under section 7 of
- 13 this chapter to consent to the test.
- 14 (b) The test for the antibody or antigen to HIV may be performed if
- 15 one (1) of the following conditions exists:
- 16 (1) If ordered by a physician who has obtained a health care
- 17 consent under IC 16-36-1 or an implied consent under emergency
- 18 circumstances and the test is medically necessary to diagnose or
- 19 treat the patient's condition.
- 20 (2) Under a court order based on clear and convincing evidence
- 21 of a serious and present health threat to others posed by an
- 22 individual. A hearing held under this subsection shall be held in
- 23 camera at the request of the individual.
- 24 (3) If the test is done on blood collected or tested anonymously as

- 1 part of an epidemiologic survey under IC 16-41-2-3 or
2 IC 16-41-17-10(a)(5).
3 (4) The test is ordered under section 4 of this chapter.
4 (5) The test is required or authorized under IC 11-10-3-2.5.
5 (c) A court may order a person to undergo testing for HIV under
6 IC 35-38-1-10.5(a) or IC 35-38-2-2.3(a)(16).".
7 Renumber all SECTIONS consecutively.
(Reference is to HB 1383 as printed January 26, 2007.)

Representative Orentlicher